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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,142	03/12/2004	Gary Lee Butler	77012-325648	6797
58506	7590	06/04/2007		
FAEGRE & BENSON, LLP PATENT DOCKETING 90 SOUTH SEVENTH STREET 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402			EXAMINER BOLES, DEREK	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/800,142	Applicant(s) BUTLER ET AL.	
	Examiner Derek S. Boles	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/27/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/21/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-10, 12, 13, 18, 19, 21 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cleer, Jr. (4,025,043) et al. See figs. 2 and 3, **10** for the panel, **14a** and **14b** constitute the embedded conduit. Regarding claims 6 and 7, see **56**. Regarding claim 8, see **76**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleer, Jr. in view of Bussjager (4,660,761). Cleer, Jr. discloses all of the limitations of the claim(s) except for the material being condensation resistant. Bussjager discloses the presence of a condensation resistant material. See col. 3, lines 48-55. Hence, one skilled in the art would find it obvious to modify the system of Cleer, Jr. to include the material being condensation resistant of Bussjager for the purpose of mold prevention.

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Regarding claim 4, Cleer, Jr. discloses all of the limitations of the claim except for the panel being formed from a high temperature material using a vacuum molding, compression molding, or casting process. However, since the applicant has failed to establish any criticality or synergistic results which are derived from the recited configurations, these limitations are considered a matter of obvious design choice. Thus, the applicant's design configurations would have been an obvious improvement to one of ordinary skill in the art with regard to the apparatus disclosed in Cleer, Jr.

Claim(s) 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cleer, Jr. in view of design choice and in further view of Lyons et al. (6,170,481). Cleer, Jr. in view of design choice discloses all of the limitations of the claim(s) except for the material including a ceramic fiber and a binder. Lyons et al. discloses the presence of material including a ceramic fiber and a binder. See col. 1, lines 36-45. Hence, one skilled in the art would find it obvious to modify the system of Cleer, Jr. in view of design choice to include a material including a ceramic fiber and a binder of Lyons et al. for the purpose of increased durability.

Claim(s) 14-16, 18 and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleer, Jr. in view of Wade (6,260,548). Cleer, Jr. discloses all of the limitations of the claim(s) except for the panel being integrally formed from a ceramic moldable material. Wade discloses the presence of a panel being integrally formed from a ceramic moldable material. See col. 2, lines 54-60. Hence, one skilled in the art would find it obvious to modify the system of Cleer, Jr. to include the panel being integrally formed from a ceramic moldable material of Wade for the purpose of more appropriate heat transfer. Regarding claim 31, see **14** and **16**.

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Claim(s) 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleer, Jr. in view of Wade and in further view of Bussjager. See claim 2, above.

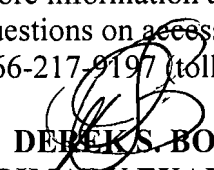
Claim(s) 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cleer, Jr. in view of Susany (5,915,374). Cleer, Jr. discloses all of the limitations of the claim(s) except for the panel being formed using a vacuum molding. Susany discloses the presence of a panel being formed using a vacuum molding. See abstract. Hence, one skilled in the art would find it obvious to modify the system of Cleer, Jr. to include the panel being formed using a vacuum molding of Susany for the purpose of ease of manufacture.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (571) 272-4872 or supervisory patent examiner Kenneth Rinehart at (571) 272-4881.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.S.B.


DEREK S. BOLES
PRIMARY EXAMINER
GROUP 3700

5/27/07